UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2876	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/815,615	SILVERBROOK ET AL.
	Examiner	Art Unit
	Kristy A. Haupt	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/2/04*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-8, 10-19 and 21-39* is/are rejected.

7)☒ Claim(s) *5,9 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 April 2004</u> is/are: a)☒ accepted or. b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *11/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-2, 6-8, 11 and 13-15 are rejected under 35 U.S.C. 102(b) as being

anticipated by Lapstun et al. US 6,978,019 B1.

Lapstun teaches teaches:

With respect to claim 1, a method of facilitating between a user and a computer

system using a product item having an interface surface, the interface surface

having disposed thereon or therein coded data including a plurality of coded data

portions, each coded data portion being indicative of an identity of the product.

item, the interaction being mediated by a sensing device, wherein the method

includes:

- (a) Associating the sensing device with the user (Abstract)
- (b) In the sensing device
    - (i) sensing at least one coded data portion when the sensing

      device is placed in an operative position relative to the interface

      surface (Abstract)

    - (ii) transferring the indicating data to a computer system (Abstract)
- (c) In the computer system

- o (i) receiving the indicating data (Abstract)

- o (ii) generating, using the indicating data

    - product identity data indicative of the identity of the product item (Abstract)

    - sensing device identity data indicative of the identity of the sensing device (Abstract)

- (d) Disassociating the sensing device and the user (Column 36, Lines 30-37)

With respect to claim 2 and incorporating all arguments of claim 1, wherein the method includes performing at least one of associating and disassociating the sensing device and the user using at least one of:

- (a) the sensing device (Column 29, Lines 39-44 and Column 30, Lines 29-33)

- (b) the computer system (Column 29, Lines 39-44)

With respect to claim 6 and incorporating all arguments of claim 1, wherein the method includes, in the computer system:

- (a) receiving user identity data indicative of an identity of the user (Column 29, Lines 33-50)

- (b) determining, using the indicating data, sensing device identity data indicative of the identity of the sensing device (Column 29, Lines 50-56)

- (c) using the sensing device identity data and the user identity data to associate the sensing device with the user (Column 29, Lines 33-56)

With respect to claim 7 and incorporating all arguments of claim 1, wherein the user is provided with an identity card, the identity card having disposed thereon or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user and wherein the method includes, in the sensing device:

- (a) sensing at least one card coded data portion when the sensing device is placed in an operative position relative to the identity card (Column 29, Lines 57-67)

- (b) generating, using the at least one sensed card coded data portion, indicating data indicative of the identity of the user and the identity of the sensing device (Column 29, Lines 57-67)

- (c) transferring the indicating data to the computer system, the computer system being responsive to the indicating data to associate the sensing device with the user (Column 29, Line 57 – Column 30, Line 32)

With respect to claim 8 and incorporating all arguments of claim 7:

- wherein the method includes providing the identity card to the user during an interaction process (Column 29, Line 57 – Column 30, Line 32)

With respect to claim 11 and incorporating all arguments of claim 1, wherein each coded data portion is indicative of a respective position and wherein the method includes, generating in the sensing device and using the sensed coded data portion, indicating data indicative of at least one of:

- (a) a position of the sensed coded data (Column 2, Lines 61-65)

- (b) a position of the sensing device relative to the interface surface (Column 13, Lines 11-16)

- (c) an orientation of the sensed coded data (Column 9, Lines 14-24)

- (d) an orientation of the sensing device relative to the interface surface (Column 18, Lines 8-10)

With respect to claim 13 and incorporating all arguments of claim 1, wherein the interface includes at least one region, including coded data indicative of an identity of the at least one region, and wherein the method includes in the sensing device:

- (a) sensing the coded data disposed within the at least one region (Column 9, Lines 1-7)

- (b) generating, using the sensed coded data, indicating data indicative of the region identity (Column 9, Lines 1-7)

With respect to claim 14 and incorporating all arguments of claim 13, wherein the method includes, in the computer system:

- • (a) receiving the indicating data (Abstract)

- • (b) generating, using the received indicating data, region identity data

  indicative of the identity of the at least one region (Column 9, Lines 1-7)

- • (c) determining, using the region identity data, an interaction (Column 9,

  Lines 13-24)

- • (d) causing, using the interaction, provision of the assistance (Column 9,

  Lines 1-24)

With respect to claim 15 and incorporating all arguments of claim 13:

- • wherein the at least one region represents a user interactive element

  (Column 9, Lines 59-67)

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-4, 10, 12, 16-19, 21-23, 24-27, 30, 35-36 and 38-39 are rejected under

35 U.S.C. 103(a) as being unpatentable over Lapstun et al. US 6,978,019 B1 in view of

Dougherty et al. WO 99/18487.

Lapstun additionally teaches:

With respect to claim 3 and incorporating all arguments of claim 1, wherein the method includes, in the computer system:

- (a) receiving indicating data from the sensing device (Abstract)

- (ii) sensing device identity data indicative of the identity of the sensing device (Abstract)

With respect to claim 12 and incorporating all arguments of claim 11, wherein the method includes, in the computer system:

- (a) receiving the indicating data (Abstract)

- (b) generating, using the received indicating data

   o (i) position data indicative of at least one of:

      - (1) the position of the sensed coded data (Column 2, Lines 61-65)

      - (2) the position of the sensing device relative to the interface surface (Column 13, Lines 11-16)

      - (3) the orientation of the sensed coded data (Column 9, Lines 14-24)

- (4) the orientation of the sensing device relative to the interface surface (Column 18, Lines 8-10)

With respect to claim 17, a method of facilitating interaction between a user and a computer system using a product item having an interface surface, the

interface surface having disposed thereon or therein coded data including a

plurality of coded data portions, each coded data portion being indicative of an

identity of the product item, the interaction being performed by a sensing device;

wherein the method includes:

- (a) associating the sensing device with the user (Abstract)

- (b) in a computer system:

    o (ii) generating, using the received indicating data:

        ▪ (2) sensing device identity data indicative of an identity of the

        sensing device (Abstract)

With respect to claim 18 and incorporating all arguments of claim 17, wherein the

method includes performing at least one of associating and dissociating the

sensing device and the user using at least one of:

- (a) the sensing device (Column 29, Lines 39-44 and Column 30, Lines

  29-33)

- (b) the computer system (Column 29, Lines 39-44)

With respect to claim 21 and incorporating all arguments of claim 17, wherein the

method includes, in the computer system:

- ▪ (a) receiving user identity data indicative of an identity of the user

  (Column 29, Lines 33-50)

- (b) determining, using the indicating data, sensing device identity data indicative of the identity of the sensing device (Column 29, Lines 50-56)

- (c) using the sensing device identity data and the user identity data to associate the sensing device with the user (Column 29, Lines 33-56)

With respect to claim 22 and incorporating all arguments of claim 17, wherein the user is provided with an identity card, the identity card having disposed thereon or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user, and wherein the method includes, in the computer device:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one card coded data portion, the indicating data being indicative of an identity of the user and the identity of the sensing device (Column 29, Lines 57-67)

- (b) generating, using the received indicating data, user data (Column 29, Lines 57-67)

- (c) associating, using the user data, the user and the sensing device (Column 29, Lines 33-56)

With respect to claim 24 and incorporating all arguments of claim 17, wherein each coded data portion is indicative of a respective position, and wherein the method includes, in the computer system:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one coded data portion (Column 29, Lines 57-67), the indicating data being indicative of at least one of:
    - (i) a position of the sensed coded data portion on the interface surface (Column 2, Lines 61-65)
    - (ii) a position of the sensing device relative to the interface surface (Column 13, Lines 11-16)
- (b) generating, using the received indicating data:
    - (i) position data indicative of at least one of:
        - (1) a position of the sensed coded data (Column 2, Lines 61-65)
        - (2) a position of the sensing device relative to the interface surface (Column 13, Lines 11-16)
        - (3) an orientation of the sensed coded data (Column 9, Lines 14-24)
        - (4) an orientation of the sensing device relative to the interface surface (Column 9, Lines 14-24)
    - (ii) identity data indicative of the identity of the product item (Abstract)
- (c) determining, using the identity data and the position data, the interaction (Column 9, Lines 13-24)
- (d) facilitating the determined interaction (Column 9, Lines 13-24)

With respect to claim 25 and incorporating all arguments of claim 17, wherein the
interface surface includes at least one region, including coded data indicative of
an identity of the at least one region, and wherein the method includes, in the
computer system:

- (a) receiving indicating data generated by the sensing device in response
  to sensing at least one card coded data portion, the indicting data being
  indicative of the identity of the at least one region (Column 29, Lines 57-67
  and Column 9, Lines 13-25)

- (b) generating, using the received indicating data, region identity data
  indicative of the identity of the at least one region (Column 9, Lines 1-7)

- (c) determining, using the region identity data, an interaction (Column 9,
  Lines 13-24)

- (d) causing, using the interaction, provision of the assistance (Column 9,
  Lines 49-67)

With respect to claim 26 and incorporating all arguments of claim 25:

- wherein the at least one region represents a user interactive element
  (Column 9, Lines 59-67)

With respect to claim 35 and incorporating all arguments of claims 1 and 17:

- wherein the coded data is substantially invisible to the unaided eye (Figure 4, #3)

With respect to claim 36 and incorporating all arguments of claims 1 and 17:

- wherein the coded data is printed using infrared ink (Column 9, Lines 6-7)

Lapstun fails to teach:

With respect to claim 3:

- (b) generating, using the received indicating data:

    (i) product identity data indicative of the identity of the product item

- (c) facilitating the interaction using the product identity data and the sensing device identity data

With respect to claim 4:

- wherein the method includes, the computer system, using the indicating data, adding an indication of the product item to a product item list

With respect to claim 10:

- (a) determining, using the received indicating data, product information

- (b) transferring the product information to the sensing device, the sensing device being responsive to the product information to display the product information to the user

With respect to claim 12:

- (b) generating, using the received indicating data

  o (ii) identity data indicative of the identity of the product item

- (c) determining, using the identity data and the position data, an

  interaction

- (d) facilitating the determined interaction

With respect to claim 16:

- (a) selecting an interaction mode

- (b) generating indicating data indicative of the selected interaction mode

With respect to claim 17:

- (b) in a computer system:

  o (i) receiving indicating data generated by the sensing device in

    response to sensing at least one coded data portion, the indicating

    data being indicative of the identity of the product item

  o (ii) generating, using the received indicating data:

    - (1) product identity data indicative of the identity of the

      product item

- (c) facilitating the interaction using the product identity data and the

  sensing device identity data

With respect to claim 19:

- wherein the method includes, in the computer system, adding an indication of the product item to a product item list using the indicating data

With respect to claim 23:

- (a) determining, using the received indicating data, product information
- (b) transferring the product information to the sensing device, the sensing device being responsive to the product information to display the product information to the user

With respect to claim 27, wherein the method includes, in the computer device:

- (a) selecting an interaction mode
- (b) performing the interaction in accordance with the selected interaction mode

With respect to claim 30:

- (a) providing product information about the product item to the user
- (b) recording a purchase transaction indicating that the user has purchased the product item

- (c) recording a potential purchase transaction indicating that the user wishes to purchase the product item

- (d) providing comparison information to the user, the comparison information comparing product information about the product item with product information about another product item

- (e) playing a game associated with the product item

- (f) conducting a competition in relation to the product item

With respect to claim 38:

- wherein the interface surface is at least a portion of the at least one of:

    o (a) product item packaging

    o (b) product item labeling

    o (c) product manuals

    o (d) product instructions

    o (e) a surface of the product item

With respect to claim 39, wherein the coded data is disposed over at least one of:

- (a) substantially all of any one of:

    o (i)   an entire product surface

    o (ii) packaging

    o (iii) a product label

- (b) more than 25% of any one of:

- o (i) an entire product surface

- o (ii) packaging

- o (iii) a product label

- ▪ (c) more than 50% of any one of:

  - o (i) an entire product surface

  - o (ii) packaging

  - o (iii) a product label

- ▪ (d) more than 75% of any one of:

  - o (i) an entire product surface

  - o (ii) packaging

  - o (iii) a product label

However, Dougherty teaches:

With respect to claim 3 and incorporating all arguments of claim 1:

- • (b) generating, using the received indicating data:

  (i) product identity data indicative of the identity of the product item

  (Page 11, Lines 21-31)

- • (c) facilitating the interaction using the product identity data and the

  sensing device identity data (Page 13, Lines 23-29)

With respect to claim 4:

- wherein the method includes, the computer system, using the indicating

  data, adding an indication of the product item to a product item list (Page

  11, Lines 21-31 where doing inventory inherently means making a list of

  the items in stock)

With respect to claim 10 and incorporating all arguments of claim 1, wherein the

method includes, in the computer system:

- (a) determining, using the received indicating data, product information

  (Page 13, Lines 23-29 and Page 11, Lines 29-31)

- (b) transferring the product information to the sensing device, the sensing

  device being responsive to the product information to display the product

  information to the user (Page 13, Lines 23-26 and Page 11, Lines 29-31)

With respect to claim 12:

- (b) generating, using the received indicating data

  - o (ii) identity data indicative of the identity of the product item (Page

    11, Lines 21-31)

- (c) determining, using the identity data and the position data, an

  interaction (Page 11, Lines 21-31 and Page13, Lines 7-18)

- (d) facilitating the determined interaction (Page 13, Lines 7-18)

With respect to claim 16 and incorporating all arguments of claim 1, wherein the method includes, in the sensing device:

- (a) selecting an interaction mode (Abstract)

- (b) generating indicating data indicative of the selected interaction mode (Abstract)

With respect to claim 17:

- (b) in a computer system:

    o (i) receiving indicating data generated by the sensing device in response to sensing at least one coded data portion, the indicating data being indicative of the identity of the product item (Page 11, Lines 21-31)

    o (ii) generating, using the received indicating data:

        - (1) product identity data indicative of the identity of the product item (Page 11, Lines 21-31)

- (c) facilitating the interaction using the product identity data and the sensing device identity data (Page 13, Lines 7-18 and Lines 23-29)

With respect to claim 19 and incorporating all arguments of claim 17:

- wherein the method includes, in the computer system, adding an indication of the product item to a product item list using the indicating

data (Page 11, Lines 21-31 where doing inventory inherently means

making a list of the items in stock)

With respect to claim 23 and incorporating all arguments of claim 17, wherein the

method includes, in the computer system:·

- (a) determining, using the received indicating data, product information

    (Page 13, Lines 23-29 and Page 11, Lines 29-31)

- (b) transferring the product information to the sensing device, the sensing

    device being responsive to the product information to display the product

    information to the user (Page 13, Lines 23-26 and Page 11, Lines 29-31)

With respect to claim 27, wherein the method includes, in the computer device:

- (a) selecting an interaction mode (Abstract)

- (b) performing the interaction in accordance with the selected interaction

    mode (Abstract)

With respect to claim 30 and incorporating all arguments of claims 1 and 17,

wherein the interaction includes at least one of:

- (a) providing product information about the product item to the user (Page

    11, Lines 21-31)

- (b) recording a purchase transaction indicating that the user has purchased the product item (Page 13, Lines 7-22)

- (c) recording a potential purchase transaction indicating that the user wishes to purchase the product item

- (d) providing comparison information to the user, the comparison information comparing product information about the product item with product information about another product item

- (e) playing a game associated with the product item

- (f) conducting a competition in relation to the product item

With respect to claim 38 and incorporating all arguments of claims 1 and 17:

- wherein the interface surface is at least a portion of the at least one of:
    - (a) product item packaging
    - (b) product item labeling
    - (c) product manuals
    - (d) product instructions
    - (e) a surface of the product item (Abstract)

With respect to claim 39 and incorporating all arguments of claims 1 and 17, wherein the coded data is disposed over at least one of:

- (a) substantially all of any one of:

- o (i)   an entire product surface (Page 10, Lines 1-4 teach encoding a

  globe)

- o (ii) packaging

- o (iii) a product label

- (b) more than 25% of any one of:

  - o (i)   an entire product surface (Page 10, Lines 1-4 teach encoding a

    globe)

  - o (ii) packaging

  - o (iii) a product label

- (c) more than 50% of any one of:

  - o (i)   an entire product surface (Page 10, Lines 1-4 teach encoding a

    globe)

  - o (ii) packaging

  - o (iii) a product label

- (d) more than 75% of any one of:

  - o (i)   an entire product surface (Page 10, Lines 1-4 teach encoding a

    globe)

  - o (ii) packaging

  - o (iii) a product label

Therefore, it would have been obvious to one of ordinary skill in the art to

modify the invention of Lapstun to generate product identity data indicative of the

identity of a product, as taught by Dougherty, to allow a user to do inventory

(Page 11, Lines 29-31).

5.   Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lapstun et al. US 6,978,019 B1 in view of Dougherty et al. WO 99/18487, as applied to

claims 1 and 17 above, and further in view of Conzola et al. US 6,497,367 B2.

Lapstun as modified by Dougherty fails to teach:

With respect to claim 28:

- Wherein the sensing device includes a user interface for displaying

  information to the user, and wherein the display device includes at least

  one of:

  - (a) a visual interface

  - (b) an audio interface

  - (c) a tactile interface

With respect to claim 29:

- wherein the interaction includes displaying information relating to any one

  of the product's:

  - (a) cost

  - (b) contents

  - (c) weight

  - (d) place of origin

- o   (e) manufacturer

- o   (f) date of manufacture

- o   (g) date of packaging

- o   (h) use-by date

- o   (i) current owner

- o   (j) dimensions

However, Conzola teaches:

With respect to claim 28:

- Wherein the sensing device includes a user interface for displaying information to the user (Column 14, Lines 58-64), and wherein the display device includes at least one of:

  - o   (a) a visual interface

  - o   (b) an audio interface (Column 14, Lines 58-64)

  - o   (c) a tactile interface

With respect to claim 29 and incorporating all arguments of claims 1 and 17:

- wherein the interaction includes displaying information relating to any one of the product's:

  - o   (a) cost (Column 9, Lines 10-13)

  - o   (b) contents

  - o   (c) weight

- o (d) place of origin

- o (e) manufacturer (Column 7, Lines 39-41)

- o (f) date of manufacture

- o (g) date of packaging

- o (h) use-by date

- o (i) current owner (Column 9, Lines 10-13 teaches identifying the

  brand)

- o (j) dimensions (Column 9, Lines 10-13 teaches identifying the

  product's size)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Lapstun as modified by Dougherty to provide an audio interface to display information to the user, as taught by Conzola, to assist a visually impaired user by providing a speech synthesis output (Abstract).

6.   Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. US 6,978,019 B1 in view of Dougherty et al. WO 99/18487, as applied to claims 1 and 17 above, and further in view of Schmidtberg et al. US 2004/0145472 A1.

Lapstun as modified by Dougherty fails to teach:

With respect to claim 31:

- Wherein the coded data is indicative of an EPC associated with the

  product item

With respect to claim 32:

- Wherein the coded data distinguishes the product item from every other

  product item

However, Schmidtberg teaches:

With respect to claim 31 and incorporating all arguments of claims 1 and 17:

- Wherein the coded data is indicative of an EPC associated with the

  product item (Abstract)

With respect to claim 32 and incorporating all arguments of claims 1 and 17:

- Wherein the coded data distinguishes the product item from every other

  product item (Page 1, Paragraph 0005)

Therefore, it would have been obvious to one of ordinary skill in the art to

modify the invention of Lapstun as modified by Dougherty to encode the data

using an EPC, as taught by Schmidtberg, to uniquely identify objects (Page 1,

Paragraph 0005).

7.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun

et al. US 6,978,019 B1 in view of Dougherty, as applied to claims 1 and 17 above, and

further in view of Paul et al. US 6,457,651 B2.

Lapstun as modified by Dougherty fails to teach:

With respect to claim 33:

- Wherein the coded data is redundantly encoded

However, Paul teaches:

With respect to claim 33:

- Wherein the coded data is redundantly encoded (Abstract)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Lapstun as modified by Dougherty to redundantly encode the data, as taught by Paul, to provide an increased amount of optically readable information without interfering with the convention optical reading of the bar code (Abstract).

8.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. US 6,978,019 B1 in view of Dougherty, as applied to claims 1 and 17 above, and further in view of Rubin et al. US 2003/0121978 A1.

Lapstun as modified by Dougherty fails to teach:

With respect to claim 34:

- Wherein the coded data is redundantly encoded using Reed-Solomon encoding

However, Rubin teaches:

With respect to claim 34:

- Wherein the coded data is redundantly encoded using Reed-Solomon

  encoding (Page 5, Paragraph 0054)

Therefore, it would have been obvious to one of ordinary skill in the art to

modify the invention of Lapstun as modified by Dougherty to redundantly encode

the data using Reed-Solomon encoding, as taught by Rubin, to allow for errors in

the printing or reading of the code (Page 5, Paragraph 0054).

Allowable Subject Matter

9.   Claims 5, 9 and 20 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

10.   The following is an examiner's statement of reasons for allowance:

With respect to claim 5 and all its dependencies:

- A method of facilitating interaction between a user and a computer system

  using a product item that has an interface surface with coded data

  disposed thereon or therein wherein the method includes associating the

  sensing device with the user, in the sensing device, sensing at least one

  coded data portion when the sensing device is placed in an operative

  position to the interface surface, generating indicating data that is

indicative of the identity of the product item and an identity of the sensing

device and transferring the data to a computer system and in the

computer system, receiving the indicating data and generating product

identity data that is indicative of the identity of the product and sensing

device identity data that is indicative of the identity of the sensing device

and finally dissociating the sensing device and the user wherein in the

computer system, adding an indication of the product item to a product

item list by using the indicating data and in response to the dissociation,

providing the product item list to the user

With respect to claim 9 and all its dependencies:

- A method of facilitating interaction between a user and a computer system

    using a product item that has an interface surface with coded data

    disposed thereon or therein wherein the method includes associating the

    sensing device with the user, in the sensing device, sensing at least one

    coded data portion when the sensing device is placed in an operative

    position to the interface surface, generating indicating data that is

    indicative of the identity of the product item and an identity of the sensing

    device and transferring the data to a computer system and in the

    computer system, receiving the indicating data and generating product

    identity data that is indicative of the identity of the product and sensing

    device identity data that is indicative of the identity of the sensing device

    and finally dissociating the sensing device and the user wherein the

method includes printing an identity card in accordance with card coded

data determined from a user detailed interaction, wherein the card coded

data is indicative of the user's identity and thereby using the identity card

to transfer the indicating data to the computer system to associate the

sensing device with the user

With respect to claim 20 and all its dependencies:

- A method of facilitating interaction between a user and a computer system

  using a product item that has an interface surface with coded data

  disposed thereon or therein wherein the method includes associating the

  sensing device with the user, in the computer system, receiving the

  indicating data and generating product identity data that is indicative of the

  identity of the product and sensing device identity data indicative of an

  identity of the sensing device and finally facilitating the interaction using

  both the product identity and the sensing device identity data wherein the

  method includes, in the computer system adding an indication of the

  product item to a product item list and providing that list to the user in

  response to dissociation

- The prior art of record fails to provide sufficient teaching or motivation to one of

ordinary skill in the art to provide the additionally recited features of these claims in the

combinations as claimed.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/7/06

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STEVEN S. PAIK
PRIMARY EXAMINER